

Message Text

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ACTION EUR-12

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NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
ACDA-07 TRSE-00 SAJ-01 AID-05 EB-07 CIEP-01 STR-04
OMB-01 CEA-01 /085 W
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R 171830Z DEC 76
FM AMEMBASSY BONN
TO SECSTATE WASHDC 4165
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS
USMISSION EC BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 21268

E.O. 11652: GDS
TAGS: PFOR PGOV EEC WB GW US UK FR UR
SUBJECT: BERLIN AND THE EC: SOVIET PROTESTS OF
NOVEMBER 15 AND 16

REFS: (A) SECTO 32047; (B) BONN 20484;
(C) MOSCOW 18075; (D) USBER 2471 NOTAL;
(E) USBER 2658

BEGIN SUMMARY. THE BONN GROUP HAS REACHED AD REF
AGREEMENT TO REPLIES TO THE NOVEMBER 15
SOVIET PROTEST CONCERNING THE MEETING IN
BERLIN OF THE EC-GREECE MIXED PARLIAMENTARY COMMITTEE
AND THE NOVEMBER 16 DEMARCHE IN MOSCOW CONCERNING
DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT. ACTION
REQUESTED: APPROVAL OF THE PROPOSED REPLIES. END
SUMMARY.
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1. IN DISCUSSING HOW TO REPLY TO THE TWO MOST RECENT
SOVIET PROTESTS ON BERLIN'S RELATIONSHIP TO THE EC
(REFS C AND D), THE BONN GROUP FELT THAT THE TWO
SHOULD BE CONSIDERED TOGETHER AND THAT THE PROTEST
IN THE POLAD CHANNEL ON THE EC-GREEK MEETING SHOULD BE

GIVEN CONSIDERABLY LESS ATTENTION THAN THE BONDARENKO DEMARCHE IN MOSCOW.

2. ON THE BASIS OF GUIDANCE PROVIDED AT THE QUADRIPARTITE DINNER (REF A) THE BONN GROUP HAS PREPARED A BRIEFER DRAFT FOR ANSWERING THE BONDARENKO PROTEST THAN THE DRAFT EARLIER UNDER CONSIDERATION (REF B). AD REF AGREEMENT WAS REACHED ON DECEMBER 17 TO A DRAFT WHICH DIFFERS FROM THE EARLIER DRAFTS PRIMARILY IN THE FACT THAT IT DOES NOT SEEK TO ANSWER THE SOVIET ASSERTIONS ON THE ORIGIN AND EXTENT OF ALLIED RIGHTS AND RESPONSIBILITIES IN BERLIN BUT MERELY NOTES THAT THE ALLIES DO NOT AGREE WITH THE SOVIET POSITION. THE BONN GROUP WAS OF THE OPINION THAT THE SOVIET ASSERTIONS ON THIS SCORE WILL SOONER OR LATER HAVE TO BE ANSWERED BUT AGREED THAT A RESERVATION OF THE ALLIED POSITION MIGHT BE SUFFICIENT FOR THE PRESENT.

3. AS FOR THE REPLY TO THE NOVEMBER 15 PROTEST ON THE EC-GREECE MEETING, THE BONN GROUP HAD DIFFICULTIES WITH THE MISSION DRAFT (REF E) ON TWO COUNTS. FIRST OF ALL THE BONN GROUP WAS NOT CERTAIN THAT IT WAS ACCURATE TO DESCRIBE THE EC-GREECE ASSOCIATION AS "AN INFORMAL GROUP" OR THAT IT WOULD BE DESIRABLE TO JUSTIFY THE MEETING ON THAT BASIS; WE MIGHT AT SOME FUTURE DATE NEED TO JUSTIFY MEETINGS OF FORMAL BODIES OF THE EC. SECONDLY, ALLIED REPS WERE RELUCTANT TO GO ALL OUT IN CHARACTERIZING THE LETTER OF INVITATION AS A JOINT INVITATION. IT WAS THUS DECIDED TO OMIT
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ALL REFERENCE TO THE INVITATION AND TO CONSTRUE THE NOVEMBER 15 PROTEST AS ONE BASICALLY CONCERNED WITH THE BERLIN/EC RELATIONSHIP. IF KHOTULEV, AFTER HEARING THE POLAD'S REPLY, RAISES THE INVITATION QUESTION, THE POLAD MIGHT STATE ORALLY AND INFORMALLY THAT IT WAS HIS UNDERSTANDING THAT THE LETTER FROM FRAU RENGEL INVITING THE COMMITTEE TO USE THE REICHSTAG BUILDING FOR ITS MEETING ALSO MADE IT CLEAR THAT THE INVITATION TO COME TO BEILIN WAS A JOINT ONE.

4. FOLLOWING IS THE AD REF TEXT OF THE REPLY TO THE NOVEMBER 16 DEMARCHE WHICH WOULD BE DELIVERED BY THE THREE EMBASSIES IN MOSCOW:

BEGIN TEXT

THE GOVERNMENT OF THE UNITED STATES (FRANCE, UNITED

KINGDOM), IN CONSULTATION WITH THE GOVERNMENTS OF
FRANCE AND THE UNITED KINGDOM, HAS CAREFULLY CONSIDERED

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FM AMEMBASSY BONN
TO SECSTATE WASHDC 4166
INFO USMISSION USBERLIN
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C O N F I D E N T I A L SECTION 02 OF 03 BONN 21268

THE STATEMENT OF THE MINISTRY OF FOREIGN AFFAIRS OF
THE USSR OF NOVEMBER 16, 1976, AND HAS INSTRUCTED ME TO
STATE THE FOLLOWING:

A. THE UNITED STATES (FRENCH, UK) GOVERNMENT
RECALLS AND CONFIRMS THE TERMS OF ITS COMMUNICATION
OF SEPTEMBER 20, 1976.

B. THE GOVERNMENTS OF FRANCE, THE UNITED STATES
AND THE UNITED KINGDOM HAVE GIVEN THEIR AGREEMENT TO
THE EXTENSION TO BERLIN OF THE COUNCIL ACT OF
SEPTEMBER 20, 1976 CONCERNING THE ELECTION OF
REPRESENTATIVES OF THE EUROPEAN ASSEMBLY BY
DIRECT UNIVERSAL SUFFRAGE; THEY HAVE TAKEN THE
NECESSARY MEASURES, DESCRIBED IN THEIR STATEMENT OF
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SEPTEMBER 20, 1976, TO ENSURE THAT THE PROVISIONS OF THAT ACT DO NOT AFFECT THE STATUS OF THE CITY. THEY CONFIRM THAT THE CONTINUED PARTICIPATION OF REPRESENTATIVES FROM BERLIN IN THE EUROPEAN ASSEMBLY CANNOT, IN SUCH CIRCUMSTANCES, CONSTITUTE A VIOLATION OF THE QUADRIpartite AGREEMENT OF SEPTEMBER 3, 1971.

C. THE WESTERN SECTORS OF BERLIN WILL CONTINUE TO BE INCLUDED IN THE AREA OF APPLICATION OF THE CONSTITUTIVE TREATIES OF THE EC INsofar AS THIS IS COMPATIBLE WITH ALLIED RIGHTS AND RESPONSIBILITIES. SUCH INCLUSION CANNOT AND WILL NOT HAVE THE EFFECT OF CONFERRING ON THE EUROPEAN COMMUNITY ANY PART OF THE SUPREME AUTHORITY EXERCISED BY THE THREE POWERS IN THE WESTERN SECTORS OF BERLIN. EQUALLY, SUCH INCLUSION, WHILE CONTRIBUTING TO THE MAINTENANCE AND DEVELOPMENT OF THE TIES BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY, DOES NOT RUN COUNTER TO THE FACT THAT THESE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND NOT TO BE GOVERNED BY IT.

D. THE UNITED STATES (FRENCH, UK) GOVERNMENT CONSIDERS IT UNNECESSARY TO COMMENT ON HYPOTHESES CONCERNING THE BUILDING OF A EUROPEAN UNION. ALL EC DEVELOPMENTS WILL BE REVIEWED BY THE THE THREE POWERS, IN THE EXERCISE OF THEIR SUPREME AUTHORITY, IN ORDER TO ENSURE THAT NO SUCH DEVELOPMENT AFFECTS THE STATUS OF BERLIN.

E. THE UNITED STATES (FRENCH, UK) GOVERNMENT DOES NOT ACCEPT THE ALLEGATIONS IN THE SOVIET NOTE OF NOVEMBER 16 CONCERNING THE ORIGIN AND EXTENT OF ALLIED RIGHTS AND RESPONSIBILITIES IN BERLIN AND DOES NOT CONSIDER IT NECESSARY TO REITERATE ITS WELL-KNOWN POSITION ON THIS SUBJECT.

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F. AS THE RIGHTS OF THE SOVIET UNION ARE NOT AFFECTED AND RELEVANT PROVISIONS OF THE QUADRIpartite AGREEMENT ARE PROPERLY OBSERVED, THE GOVERNMENT OF THE UNITED STATES (FRANCE, UK) REJECTS AS TOTALLY UNWARRANTED THE REFERENCE TO PROTECTIVE ACTIONS CONTAINED IN THE SOVIET STATEMENT.

END TEXT

5. FOLLOWING IS THE AD REF TEXT OF THE REPLY
WHICH WOULD BE DELIVERED BY THE POLAD IN BERLIN TO THE

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USMISSION NATO BRUSSELS
USMISSION EC BRUSSELS

C O N F I D E N T I A L SECTION 03 OF 03 BONN 21268

NOVEMBER 15 PROTEST; THIS REPLY WOULD BE DELIVERED
ONLY AFTER THE ABOVE RESPONSE HAD BEEN DELIVERED IN
MOSCOW AND THE DATE OF THE MOSCOW REPLY WOULD BE
INSERTED:

BEGIN TEXT

WITH RESPECT TO THE STATEMENT CONCERNING THE MEETING
OF THE MIXED PARLIAMENTARY COMMITTEE ON THE ASSOCIATION
OF GREECE WITH THE EUROPEAN ECONOMIC COMMUNITY HELD IN
BERLIN FROM NOVEMBER 22-24, 1976, WHICH YOU HANDED TO
THE ACTING US POLAD ON NOVEMBER 15, 1976, I HAVE BEEN
INSTRUCTED BY THE AUTHORITIES OF THE THREE POWERS TO

RECALL AND CONFIRM THE STATEMENTS MADE IN MOSCOW ON
SEPTEMBER 20, 1976, AND JANUARY (BLANK), 1977,
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BY THE EMBASSIES OF FRANCE, THE UNITED STATES AND THE
UNITED KINGDOM AND THEREFORE TO STATE THAT THE THREE
POWERS REJECT AS UNFOUNDED THE ASSERTIONS CONTAINED
IN YOUR STATEMENT. END TEXT.

6. ACTION REQUESTED: APPROVAL OF THE ABOVE TWO
REPLIES.
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